

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>CLIFFORD H. STUBBE, <i>et al.</i>,</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION 1:22-00339-KD-B</b>
	)	
<b>PHH MORTGAGE CORPORATION,</b>	)	
<b>Defendant.</b>	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated September 21, 2022 (Doc. 6), is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Plaintiffs' motion for summary judgment (Doc. 5) is premature and so is **DENIED** without prejudice to his ability to refile a motion for summary judgment at an appropriate time after resolution of Defendant's pending motion to dismiss (Doc. 3) and after the parties have had an adequate period within which to conduct discovery.

**DONE and ORDERED** this the **9th** day of **November 2022**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**